

Robert Giusti, Esq.
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(718) 224-5431

Attorneys for Plaintiff, ALZAL CORP.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ALZAL CORP,	:	Civil Action No. 13 CV 002577
	:	
Plaintiff,	:	
	:	
v.	:	MOTION FOR
	:	DEFAULT JUDGMENT
INTERNATIONAL FREIGHT CORP.,	:	
METROPOLITAN SHIPPING	:	
LOGISTICS and ULTIMATE BODY AND	:	
TRANSPORT, INC.	:	
	:	
Defendant.	:	

Plaintiff, ALZAL CORP., hereby moves the Court pursuant to Federal Rule of Civil Procedure 55(b) and Local Civil Rule 55.2 to enter default judgment in favor of plaintiff and against defendants, INTERNATIONAL FREIGHT CORP., METROPOLITAN SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC., on the grounds that said defendants failed to answer or otherwise defend against the complaint.

Dated: Bayside, New York
November 5, 2013


Katie Ambroziak, Esq.
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TO: International Freight Corp.
77 Evergreen Avenue
Brooklyn, New York 11206
Defendant

Metropolitan Shipping Logistics
c/o Spiegel & Ultera, Esqs., Registered Agent
642 Broad Street, Suite 2
Clifton, New Jersey 07013
Defendant

Metropolitan Shipping Logistics
1160 State Street Building 8A
Perth Amboy, New Jersey 08861

Ultimate Body and Transport, Inc.
546 Montauk Avenue
Brooklyn, New York 11208
Defendant

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ALZAL CORP,	:	Civil Action No. 13 CV 002577
	:	
Plaintiff,	:	
	:	
v.	:	AFFIRMATION IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT
	:	
INTERNATIONAL FREIGHT CORP.,	:	
METROPOLITAN SHIPPING	:	
LOGISTICS and ULTIMATE BODY AND	:	
TRANSPORT, INC.	:	
	:	
Defendant.	:	

Katie Ambroziak, Esq. hereby declares as follows:

1. I am an associate at Robert Giusti, Esq. & Associates, PLLC, attorneys for the Plaintiff, ALZAL CORP in the above referenced matter.
2. This action was commenced pursuant to 28 U.S.C. §1332.
3. The time for the defendants, INTERNATIONAL FREIGHT CORP., METROPOLITAN SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC., to answer or otherwise move with respect to the complaint herein has expired.
4. Defendants, INTERNATIONAL FREIGHT CORP., METROPOLITAN SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC., have not answered or otherwise moved with respect to the complaint, and the time for defendants, INTERNATIONAL FREIGHT CORP., METROPOLITAN SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC. to answer or otherwise move has not been extended.
5. That defendants, INTERNATIONAL FREIGHT CORP., METROPOLITAN

SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC. default has been noted by the Clerk of the Court. A copy of the Certificate is attached hereto as Exhibit A.

6. Defendants, INTERNATIONAL FREIGHT CORP., METROPOLITAN SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC., are indebted to plaintiff, ALZAL CORP., in the following manner:

Auto Point Ltd. purchased a 2008 Mercedes Benz 4W GL5 bearing vehicle bearing identification number 4JGBF86E68A417133 for \$80,500.00. The title was subsequently assigned to the plaintiff, Alzal Corp., and the plaintiff is currently the owner of the 2008 Mercedes Benz 4W GL5 vehicle bearing identification number 4JGBF86E68A417133. In or about June 2008 Alzal Corp. assigned the vehicle in question to defendant, Metropolitan Shipping Logistics for transport overseas. At this point Metropolitan Shipping Logistics became bailee for the vehicle. Metropolitan Shipping Logistics through its shipping agent, International Freight Corp., then attempted to ship the vehicle out of the country without having the proper title documents with which to do so. The vehicle was seized by US Customs officials in Europe and returned to the United States to the defendant International Freight Corp. Defendants, Metropolitan Shipping Logistics and International Freight Corp., knew or should have known that it was illegal to ship a vehicle out of the United States without proper documents. At some point the Defendants, Metropolitan Shipping Logistics and International Freight Corp., received the vehicle back from the U.S. Customs Bureau but inexplicably refused to return the subject vehicle to Auto Point Ltd. the predecessor in interest to Alzal Corp. Instead Metropolitan Shipping Logistics illegally gave the vehicle to Ultimate Body & Transport Inc. for the alleged purpose of performing body and fender repairs. Metropolitan Shipping Logistics as bailee was not authorized to commit the vehicle for repairs of any sort. The Notice of Lien and Sale from Ultimate Body & Transport Inc. charged for storage and towing none of which needed to be done. The vehicle had no damage so the alleged repair for \$6,250.00 again was neither authorized nor necessary. When an

officer of plaintiff Alzal Corp., went to Ultimate Body & Transport Inc. on the date of sale which was April 20, 2009 the vehicle was not there and no sale took place. When an officer of plaintiff Alzal Corp. was told the vehicle was shipped out of the country without title documents he went to Metropolitan Shipping Logistics with the local police to insist on the return of his vehicle. Metropolitan Shipping Logistics advised that when they received the vehicle back from U.S. Customs they would call him and he could pick up the vehicle. The call never came and the plaintiff to this day does not have the vehicle or know of its whereabouts.

7. WHEREFORE, plaintiff ALZAL CORP. requests that a default judgment be entered in favor of the plaintiff, ALZAL CORP. and against defendants, INTERNATIONAL FREIGHT CORP., METROPOLITAN SHIPPING LOGISTICS and ULTIMATE BODY AND TRANSPORT, INC.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claims is justly due to plaintiff, and that no part thereof has been paid, and that the disbursements sought to be taxed have been made in this action or will necessarily be made or included in this action.

Dated: Bayside, New York
November 5, 2013


By: Katie Ambroziak, Esq.
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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ALZAL CORP,

Plaintiff,

v.

INTERNATIONAL FREIGHT CORP.,
METROPOLITAN SHIPPING
LOGISTICS and ULTIMATE BODY AND
TRANSPORT, INC.


Defendant.

Civil Action No. 13 CV 002577

AFFIRMATION OF SERVICE

I, Katie Ambroziak declare under penalty of perjury that I have served a copy of the attached Motion for Default Judgment upon **International Freight Corp.** by mailing it to International Freight Corp. who address is 77 Evergreen Avenue, Brooklyn, New York 11206.

Dated: New York, New York
November 5, 2013


Katie Ambroziak
Robert Giusti, Esq. & Associates, PLLC
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Bayside, New York 11361

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ALZAL CORP,

Plaintiff,

v.

INTERNATIONAL FREIGHT CORP.,
METROPOLITAN SHIPPING
LOGISTICS and ULTIMATE BODY AND
TRANSPORT, INC.


Defendant.

Civil Action No. 13 CV 002577

AFFIRMATION OF SERVICE

I, Katie Ambroziak declare under penalty of perjury that I have served a copy of the attached Motion for Default Judgment upon **Metropolitan Shipping Logistics** by mailing it to Metropolitan Shipping Logistics c/o Spiegel & Ultera, Esqa., Registered Agent who address is 642 Broad Street, Suite 2, Clifton, New Jersey 07013.

Dated: New York, New York
November 5, 2013



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Robert Giusti, Esq. & Associates, PLLC
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Bayside, New York 11361

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ALZAL CORP,

Plaintiff,

v.

INTERNATIONAL FREIGHT CORP.,
METROPOLITAN SHIPPING
LOGISTICS and ULTIMATE BODY AND
TRANSPORT, INC.

Defendant.

Civil Action No. 13 CV 002577

AFFIRMATION OF SERVICE

I, Katie Ambroziak declare under penalty of perjury that I have served a copy of the attached Motion for Default Judgment upon **Metropolitan Shipping Logistics** by mailing it to Metropolitan Shipping Logistics whose last known address is 1160 State Street Building 8A, Perth Amboy, New Jersey 08861.

Dated: New York, New York
November 5, 2013



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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ALZAL CORP,

Plaintiff,

v.

INTERNATIONAL FREIGHT CORP.,
METROPOLITAN SHIPPING
LOGISTICS and ULTIMATE BODY AND
TRANSPORT, INC.


Defendant.

Civil Action No. 13 CV 002577

AFFIRMATION OF SERVICE

I, Katie Ambroziak declare under penalty of perjury that I have served a copy of the attached Motion for Default Judgment upon **Ultimate Body and Transport, Inc.** by mailing it to Ultimate Body and Transport, Inc. whose address is 546 Montauk Avenue, Brooklyn, New York 11208.

Dated: New York, New York
November 5, 2013


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